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STATE OF TENNESSEE  
**DEPARTMENT OF EDUCATION**  
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TIMOTHY K. WEBB, Ed.D  
COMMISSIONER

January 13, 2010

Dr. Thelma Meléndez de Santa Ana, Assistant Secretary  
Office of Elementary and Secondary Education  
400 Maryland Avenue, S.W.  
Room 3W300  
Washington, DC 20202-6132

Dear Secretary Meléndez de Santa Ana:

Tennessee requests a waiver of the requirements it has listed below. These waivers would allow any local educational agency (LEA) in Tennessee that receives a School Improvement Grant to use those funds in accordance with the final requirements for School Improvement Grants and the LEA's application for a grant.

Tennessee believes that the requested waiver(s) will increase the quality of instruction for students and improve the academic achievement of students in Tier I, Tier II, and Tier III schools by enabling an LEA to use more effectively the school improvement funds to implement one of the four school intervention models in its Tier I or Tier II schools and to carry out school improvement activities in its Tier III schools. The four school intervention models are specifically designed to raise substantially the achievement of students in Tennessee's persistently lowest-achieving schools.

- Waive section 421(b) of the General Education Provisions Act (20 U.S.C. § 1225(b)) to extend the period of availability of school improvement funds for the SEA and all of its LEAs to September 30, 2013.
- Waive the 40 percent poverty eligibility threshold in section 1114(a)(1) of the ESEA to permit LEAs to implement a schoolwide program in a Tier I school that does not meet the poverty threshold.
- Waive sections 1003(g)(1) and (7) of the ESEA that limit the use of school improvement funds to Title I schools in improvement, corrective action, or restructuring to permit LEAs to use school improvement funds to serve Tier II schools.

Tennessee assures that it will ensure that any LEA that chooses to implement one or more of these waivers will comply with section I.A.7 of the final requirements.

Tennessee assures that it will permit an LEA to implement the waiver(s) only if the LEA receives a School Improvement Grant and requests to implement the waiver(s) in its application. As such, the LEA may only implement the waivers(s) in Tier I, Tier II, and Tier III schools, as applicable, included in its application.

Tennessee assures that any LEA implementing the waiver of sections 1003(g)(1) and (7) and the LEA provides each Tier II school served through the waiver will receive all of the state and local funds it would have received in the absence of being served with school improvement funds.


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Tennessee assures that, prior to submitting this request in its School Improvement Grant application, Tennessee provided all LEAs in Tennessee that are eligible to receive a School Improvement Grant with notice and a reasonable opportunity to comment on this request and has attached a copy of that notice as well as copies of any comments it received from LEAs. Tennessee also assures that it provided notice and information regarding this waiver request to the public in the manner in which Tennessee customarily provides such notice and information to the public (*e.g.*, by publishing a notice in the newspaper; by posting information on its Web site) and has attached a copy of, or link to, that notice.

Tennessee assures that, if it is granted one or more of the waivers requested above, it will submit to the U.S. Department of Education a report that sets forth the name and NCES District Identification Number for each LEA implementing a waiver, including which specific waivers each LEA is implementing.

We appreciate your consideration of these requests. If you have any questions about these requests, please contact Dr. Julie P. McCargar at 615-532-6297 or email [Julie.McCargar@tn.gov](mailto:Julie.McCargar@tn.gov).

Sincerely,



Timothy K. Webb, Ed.D.

TKW:JMC:bc

c: Zollie Stevenson